

## § 29.31

will not be incorporated in regular production processing, shall be charged fees.

[37 FR 7565, Apr. 15, 1972, as amended at 52 FR 17515, May 8, 1987]

### **§ 29.31 Certificates of approval; contents.**

(a) The certificate of approval shall contain a description of the analyzer or detector for which it is issued as provided in this part.

(b) The certificate of approval shall specifically set forth any restrictions or limitations, if any, on use of the instrument.

(c) Each certificate of approval shall be accompanied by the drawings and specifications (and lists thereof) submitted by the applicant in accordance with § 29.11. These drawings and specifications shall be incorporated by reference in the certificate of approval and shall be maintained by the applicant. The drawings and specifications listed in each certificate of approval shall set forth in detail the design and construction requirements which shall be met by the applicant during commercial production of the instrument.

(d) Each certificate of approval, shall be accompanied by a reproduction of the approval label design to be employed by the applicant with each approved instrument as provided in § 29.33.

(e) No test data or specific laboratory findings will accompany any certificate of approval, however, MSHA will release pertinent test data and specific findings upon written request by the applicant, or when required by statute or regulation.

(f) Each certificate of approval shall also contain the approved quality control plan as specified in § 29.42.

### **§ 29.32 Notice of disapproval.**

(a) If, upon the completion of the examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the analyzer or detector does not meet the minimum requirements set forth in this part, MSHA shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all pertinent data

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or findings with respect to the defects of the instrument for which approval was sought with a view to the possible correction of any such defects.

(c) MSHA shall not disclose, except to the applicant upon written request or when required by statute or regulation, any data, findings or other information with respect to any instrument for which a notice of disapproval is issued.

### **§ 29.33 Approval labels and markings; approval of contents; use.**

(a) Upon receipt of a certificate of approval, the applicant shall submit to MSHA, for approval of contents, samples or full-scale reproductions of approval plates, labels, and markings and a sketch or description of the method of application and position on the instrument, together with instructions for the use and maintenance of the instrument.

(b) Approval labels shall bear the emblem of the Mine Safety and Health Administration, the applicant's name and address, the restrictions or limitations placed upon the use of the instrument by MSHA, an approval number assigned by MSHA, and other information necessary for identification of the instrument.

(c) MSHA shall, where necessary, notify the applicant when additional labels, markings or instructions will be required.

(d) Approval labels and markings shall only be used by the applicant to whom they were issued.

(e) Legible reproductions or abbreviated forms of the label approved by MSHA for use on each analyzer and detector shall be affixed, attached to, or printed on the instrument at a location where it can be easily seen.

(f) The use of any MSHA approval label obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to guarantee that the instrument is manufactured according to the drawings and specifications upon which the certificate of approval is based.

(g) Each analyzer and detector shall be labeled distinctly to show the name